

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GARRETT LINDERMAN,

Plaintiff,

v.

RUBEN CEDENO, DEVON SCHRUM,
KAREN BRUNSON, TAMARA
ROWDEN, CAIN (FNU), SMITH
(FNU), CARROLL RIDDLE, T.
SCHNEIDER, McTARSNEY (FNU),
PALMER (FNU), MOSELY (FNU),
WINTERS (FNU), ASHTON (FNU),
NESBITT (FNU), MOHN (FNU),
MILLER (FNU), JANE/JOHN DOES,
and L. SCHNEIDER,

Defendants.

NO. C10-5897 RBL/KLS

ORDER DENYING PLAINTIFF'S
THIRD MOTION FOR EXTENSION
OF TIME TO RESPOND TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

Before the Court is Plaintiff's motion seeking a third extension of time to respond to Defendants' motion for summary judgment. ECF No. 80. Defendants' motion for summary judgment was filed on March 1, 2013 and originally noted for March 29, 2013. ECF No. 70. In his previous motion, Plaintiff cited to a lack of funds to pay for photocopies of documents, lack of access to the law library, and difficulties getting declarations from his family and friends. ECF No. 77. Defendants did not oppose Plaintiff's previous requests for extensions. ECF Nos. 74 and 78. Defendants oppose Plaintiff's latest request for additional time. ECF No. 81.

DISCUSSION

Plaintiff now asserts for the first time in this latest motion that he requires a declaration from "Dr. Thomas Ziegler" who is allegedly "an important witness to my mail

1 claim opposition and the defendants' retaliatory intent." ECF No. 80, p. 5. Plaintiff does not
2 explain Dr. Ziegler's involvement in his claims, why his testimony is necessary or material to
3 his response, or why Plaintiff could not provide the same evidence through his own
4 declaration or exhibits. Plaintiff also fails to explain why he failed to secure this testimony
5 during the nearly four months since Defendants filed their motion for summary judgment.

6 Plaintiff also states that he has had difficulties in obtaining postage and photocopying
7 "and other necessary components" to file his response. However, Plaintiff has apparently not
8 had the same difficulties in filing motions. He has filed three motions with supporting
9 declarations (ECF Nos. 73, 77, and 80) with this Court since Defendants filed their motion for
10 summary judgment.

11 Accordingly, it is **ORDERED**:

12 (1) Plaintiff's third motion for extension of time (ECF No. 80) is **DENIED**.

13 (2) The Clerk shall send a copy of this Order to Plaintiff and counsel for
14 Defendants.

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16 **DATED** this 10th day of July, 2013.

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19 Karen L. Strombom
20 United States Magistrate Judge
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